

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ARTAVIA SIMPSON,

Plaintiff,

V.

**JPMORGAN CHASE BANK, N.A.
D/B/A CHASE CARD SERVICES,**

Defendant.

Case No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

COMPLAINT

ARTAVIA SIMPSON (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against JPMORGAN CHASE BANK N.A. D/B/A CHASE CARD SERVICES (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the Commonwealth of Pennsylvania and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Norristown, Pennsylvania 19401.

1 6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

2 7. Defendant is a corporation that has its mailing address located at P.O. Box
3 901076, TX 1-0056, Fort Worth, Texas 96101.

4 8. Defendant is a “person” as that term is defined by 47 U.S.C. §153(39).

5 9. Defendant acted through its agents, employees, officers, members, directors,
6 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

7 **FACTUAL ALLEGATIONS**

8 10. Plaintiff has a cellular telephone number that she has had for at least one year.

9 11. Plaintiff has only used this phone as a cellular telephone.

10 12. Defendant placed repeated calls to Plaintiff’s cellular telephone seeking to collect
11 a credit card balance owed by Plaintiff’s mother, Daytona Simpson.

12 13. During this time, Defendant contacted Plaintiff using an automatic telephone
13 dialing system and automatic and/or pre-recorded messages.

14 14. Plaintiff knew Defendant was using an automatic telephone dialing system and
15 automatic and/or pre-recorded messages as Defendant’s calls began with a noticeable pause or
16 delay or pre-recorded message before being transferred to one of Defendant’s callers.

17 15. Defendant’s telephone calls were not made for “emergency purposes.”

18 16. Plaintiff spoke with Defendant soon after the calls began and revoked any consent
19 that may have been previously given to Defendant to call her cellular telephone number.

20 17. Defendant heard and acknowledged this request to stop calling.

21 18. Once Defendant was aware that its calls were unwanted and was told to stop
22 calling, there was no lawful purpose to making further calls, nor was there any good faith reason
23 to place calls.
24
25

21. Upon information and belief, Defendant conducts business in a manner which violates the Telephone Consumer Protection Act.

22. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

24. Defendant's calls to Plaintiff were not made for emergency purposes.

26. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

PLAINTIFF'S COMPLAINT

1 RESPECTFULLY SUBMITTED,

2 KIMMEL & SILVERMAN, P.C

3
4 DATED: 03/12/2021

5 By: /s/ Amy L. Bennecoff Ginsburg
6 AMY L. BENNECOFF GINSBURG
7 30 E. Butler Pike
8 Ambler, PA 19002
9 Phone: (215) 540-8888
10 Fax: (877) 788-2864
11 Email: teamkimmel@creditlaw.com
12
13
14
15
16
17
18
19
20
21
22
23
24
25